SCS custody case (457)

2/78 draft

Dear

The Secretary has asked me to reply to your letter of January 24 concerning the case of John Victor Stoen, currently the subject of a custody dispute in Guyana. Similar expressions of interest have been received from several other Members of Congress.

While we in the Department of State sympathize very much with Mr. and Mrs. Stoen in their efforts to regain custody of their son, regrettably there is little we can do to be of assistance. Neither the Department of State nor the courts of the State of California have the authority to enforce a U.S. court decision concerning the custody of John Victor as long as he is physically located outside of the United States. Child custody orders issued in the United States are normally not accepted for enforcement in another country on the basis of comity. While any American custody decision might be given evidentiary weight in the Guyanese proceeding, by no means will it be binding on that court.

Since the initiation of the custody suit last August, the Department of State and our Embassy in Guyana have been in close contact with the Stoens and their attorneys, both American and Guyanese. An Embassy officer has attended all court proceedings, when permitted to attend, and has assisted the Stoens in gaining access to Guyanese government officials. The Embassy has regularly had conversations with the opposing attorneys and has spoken with Mr. Jim Jones, the head of the People's Temple. As Mr. Jones is also an American citizen and entitled to the same rights and protection as Mr. and Mrs. Stoen, the Embassy has been careful to avoid prejudicing the outcome of the dispute. It is the Embassy's responsibility

The Honorable

House of Representatives

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to seek to ensure that the judicial outcome of the dispute results from a fair and impartial determination of the merits of the case, and all of our efforts are so directed.

Following a hearing held on January 10, Mr. Stoen's attorney stated that he anticipated a favorable decision at the conclusion of the proceedings. Mr. Stoen himself was guardedly optimistic in conversations with officers at the Department of State on January 27.

On February 24, the American Consul in Georgetown, Guyana met with the new Guyanese Minister of Justice, Mohamed Shahabuddeen. Minister Shahabuddeen stated that child custody cases are civil disputes and therefore there is no legal requirement that hearings be scheduled within a specific time period. Further, the Minister indicated that a judge's written opinion may take four months to compose and release. Consequently, the delay to date in the Stoen case is not considered excessive under Guyanese legal procedures.

The Department shall continue to keep you informed of progress in this case. Should you require further information, please contact our Office of Special Consular Services, telephone 632-3015.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

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Clearances: SCS-Ms. Powers
SCS-Mr. Rivera
SCS-Mr. Dobrenchuk
SCS-Mr. Lambert
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